
CONFERENCE COMMITTEE ON H.R. 2419

Title VIII – Forestry

**Section-by-Section Comparison of House Bill,
Senate Amendment, and Current Law**

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
T8-1	<p data-bbox="236 142 486 251"><u>National Priorities for Private Forest Conservation</u></p> <p data-bbox="236 289 486 430">Sec. 8001 of H.R. 2419, Sec. 8001 of the Senate Amendment</p>	<p data-bbox="526 142 967 240">Sec. 2(a) of the Cooperative Forestry Assistance Act (CFAA) provides Congressional findings.</p> <p data-bbox="526 277 1077 808">Sec.2(b) of the CFAA recognizes that the CFAA authorizes the Secretary, with respect to non-Federal forest lands in the U.S., to assist in a number of activities, including: (1) the establishment of a coordinated and cooperative Federal, State, and local forest stewardship program for management of non-Federal forest lands; (2) the encouragement of the production of timber; (3) the planning and conducting of urban forestry program; and (4) strengthening educational, technical, and financial assistance programs that provide assistance to owners of non-Federal forest lands.</p> <p data-bbox="526 846 854 878">No comparable provision.</p>	<p data-bbox="1102 142 1518 207">SEC.8001. No changes made to this provision.</p> <p data-bbox="1102 277 1518 310">No changes made to this provision.</p> <p data-bbox="1102 846 1653 1008">Amends section 2 of the Cooperative Forestry Assistance Act (CFAA) by requiring the Secretary to focus on a set of three national private forest conservation priorities when allocating appropriated CFAA funds:</p> <p data-bbox="1102 1045 1639 1110">(1) Conserving and managing working forest landscapes;</p> <p data-bbox="1102 1213 1612 1278">(2) Protecting forests from threats and restoring forests in response to threats; and</p>	<p data-bbox="1677 142 1787 175">Sec.8001</p> <p data-bbox="1677 846 2228 1073">Amends section 2 of the Cooperative Forestry Assistance Act (CFAA) by adding a new subsection which requires the Secretary to focus on a set of three national private forest conservation priorities when allocating appropriated CFAA funds. The national priorities are:</p> <p data-bbox="1723 1110 2214 1208">(1) Conserving and managing working forest landscapes for multiple values and uses;</p> <p data-bbox="1723 1245 2231 1513">(2) Protecting forest from threats to forest and forest health ,including unnaturally large wildfires, hurricanes, tornadoes, windstorms, snow and ice storms, flooding, drought, invasive species, insect or disease outbreak, development, and restoring appropriate forest structures</p>	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
		<p>No comparable provision.</p> <p>Sec.2(c) of the CFAA mandates that it is the policy of Congress that it is in the national interest to work through and in cooperation with State foresters, or equivalent State officials, nongovernmental organizations, and the private sector in implementing Federal programs that affect non-Federal forest lands.</p> <p>Sec.2(d) of the CFAA mandates that nothing in the CFAA is to be construed as complementing the policies and direction under the Forest and Rangeland Renewable Resources Planning Act of 1974.</p>	<p>(3) enhancing public benefits from private forests, including air and water quality, forest products, forestry-related jobs, production of renewable energy, wildlife and wildlife habitat, and recreation.</p> <p>The Secretary is required to submit a report to Congress describing how funding has been used under the CFAA, and through other programs administered by the Secretary, to address the three national priorities.</p> <p>No changes made to this provision.</p> <p>No changes made to this provision.</p>	<p>and ecological processes in response to such threats; and</p> <p>(3) Enhancing public benefits from private forest including air and water quality, forest products, forest-related jobs, production of renewable energy, wildlife, enhancing biodiversity, the establishment of wildlife corridors and habitat, and recreation.</p> <p>Amends section 2 by adding a new subsection that requires the Secretary to submit a report to Congress describing how funding was used under this Act to address the national priorities specified and the outcomes achieved by in meeting the national priorities.</p>	
T8-2	<p><u>Long-Term, State-Wide Assessments and Strategies for Forest Resources</u></p> <p>Sec. 8002 of H.R. 2419, Sec. 8004 of the Senate Amendment</p>	<p>No comparable provision.</p>	<p>SEC.8002. Amends section 2 of the CFAA by requiring, for a State to be eligible to receive CFAA funds that the State forester—or equivalent State official—develop and submit a State-wide assessment of forest resource conditions, and a long-term State-wide forest resource strategy.</p>	<p>Sec.8004. Amends the Cooperative Forestry Assistance Act of 1978 by inserting after section 19 a new section entitled “Comprehensive Statewide Forest Planning” under which the Secretary shall provide financial and technical assistance to States for use in the development and implementation of statewide forest resource assessments and plans. For a State to be eligible for CFAA funding the state forester must develop a statewide forest</p>	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
			<p>The State-wide assessment of forest conditions is to encompass a number of factors, including: the conditions and trends of State forest resources; the threats to State forest lands and resources, consistent with the three national priorities; any priority areas or regions in a State in a State that are of priority; and any areas that are of priority to more than just that State.</p> <p>The long-term State-wide forest resource strategy is to encompass a number of factors, including: strategies for addressing threats to forest resources in the State outlined in the State-wide assessment of forest conditions; and a description of the resources available to the State forester—or equivalent State official—from all resources to address strategies for dealing with threats to Forest resources in the State.</p> <p>The State forester—or equivalent State official—is required to submit the state-wide forest resource strategy on an annual basis.</p> <p>The state-wide assessment of forest resource conditions is to be updated as the Secretary or State forester—or equivalent State official—determines to be necessary.</p> <p>The State forester is required—or equivalent State official—in developing the state wide assessment and annual strategy, to coordinate with the State Forest Stewardship Committee established for the State, the State wildlife agency, and the State Technical Committee. The Secretary is prohibited from using more than \$10 million in a fiscal year to implement this section.</p>	<p>resource assessment and plan.</p> <p>At a minimum, the statewide forest resource assessment and plan should identify each critical forest resource in the state consistent with national priorities; incorporates any current forest management plan in the state; address the needs of the region without regard to state borders; provide a comprehensive statewide plan for managing forestland that achieves the national priorities; and include a multiyear forest management strategy for forest management.</p> <p>The statewide forest resource and plan should include a multiyear integrated forest management strategy.</p> <p>The State Forester or equivalent State official is required to coordinate with the State Forest Stewardship Coordination Committee, State wildlife agencies, the State Technical Committee and other applicable Federal land management agencies in developing statewide assessments and plans.</p>	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
				<p>Subsection (b)(3) requires the Secretary to review the statewide assessments and plans established under this section.</p> <p>Subsection (d) authorizes \$10,000,000 to be appropriated to carryout this section.</p>	
T8-3	<p><u>Community Forest and Open Space Program</u></p> <p>Sec. 8002of the Senate Amendment</p>	No comparable provision.	No comparable provision.	<p>Sec. 8002</p> <p>Amends the Cooperative Forestry Assistance Act of 1978 by inserting after section 7 (16 U.S.C. 2103c) a new section 7A entitled Community Forest and Open Space Conservation Program. This program will provide federal matching grants to help county or local governments, Indian tribes, or non-profit organizations acquire private forests that are threatened by conversion to non-forest uses and are economically, environmentally and culturally important to communities.</p> <p>Subsection (a) provides definitions that will be used for the Community Forest and Open Space Conservation Program. Including: “eligible entity,” “Indian tribe,” “local governmental entity,” “non-profit organization,” “program” and Secretary.”</p> <p>Subsection (b) is the establishment of the program.</p> <p>Subsection (c) establishes a grant program that provides a Federal cost share equal to not more than 50-percent of the cost to acquire one or more parcels of land. An eligible entity shall provide a non-Federal match in cash, donation, or in kind equal to the outstanding amount.</p> <p>An application process is established where an eligible entity shall submit to the State</p>	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
				<p>forester or equivalent official (or in the case of an eligible entity that is an Indian tribe an equivalent official of the Indian tribe) an application that includes a description of land to be acquired and a forest plan that includes a description of community benefits achieved from acquisition.</p> <p>Subsection (d) requires eligible entities to provide public access for recreational use consistent with the purposes of the program and prohibits an eligible entity from converting the property to other uses.</p> <p>Subsection (e) requires an eligible entity that sells or converts land acquired under this program to non-forest use to reimburse the Federal Government an amount equal to the greater of the sale price or current appraisal value. The eligible entity will also no longer be eligible for additional grants under this program.</p> <p>Subsection (f) allows the Secretary to allocate 10-percent of funds to made available for this program to State foresters or an equivalent official (or in the case of an eligible entity that is an Indian tribe an equivalent official of the Indian tribe) for program administration and technical assistance.</p> <p>Subsection (g) authorizes an appropriation of such sums as necessary to carryout the program.</p>	
T8-4	<p><u>Assistance to the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of</u></p>	<p>Sec.13(d)(1) of the CFAA mandates that the terms “United States” and “State” are to include each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific</p>	<p>SEC.8003. Amends Section 13(d)(1) of the CFAA to specify that the Federated States of Micronesia, the Republic of the Marshall Islands, the Republic are Palau are to be included in the terms “United States” or “States” for purposes of the CFAA.</p>	<p>Sec.8005. SAME AS HOUSE BILL</p>	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
	<p align="center"><u>Palau</u></p> <p align="center">Sec. 8003 of H.R. 2419, Sec. 8005 of the Senate Amendment</p>	Islands, and the territories and possessions of the U.S.			
T8-5	<p align="center"><u>Changes to Forest Resource Coordinating Committee</u></p> <p align="center">Sec. 8004 of H.R. 2419</p>	<p>Sec.19(a)(1) of the CFAA authorizes the Secretary to establish an interdepartmental “Forest Resource Coordinating Committee,” (FRCC) to coordinate forestry activities.</p> <p>Sec.19(a)(2) of the CFAA mandates that the FRCC is to be composed of representatives, appointed by the Secretary, from the Agricultural Research Service; the Agricultural Stabilization and Conservation Service, Extension Service, Forest Service, and Soil Conservation Service.</p> <p>Sec.19(a)(3) of the CFAA mandates that the Chairperson of the FRCC is to be the Chief of the Forest Service.</p> <p>Sec.19(a)(4) of the CFAA mandates that the FRCC is to:</p> <p>(A) provide assistance in directing and coordinating USDA’s actions relating to educational, technical, and financial assistance concerning forest land to private landowners;</p> <p>(B) clarify individual agency responsibilities regarding forest land; and</p> <p>(C) advise the Secretary of intradepartmental differences with respect to the implementation of the CFAA, or any other Act relating to the Secretary’s authority, regarding non-Federal forest lands.</p> <p>No comparable provision.</p>	<p>SEC.8004.</p> <p>No comparable provision.</p> <p>No comparable provision.</p> <p>No comparable provision.</p> <p>No comparable provision.</p> <p>Amends Section 19(a) of the CFAA by revising the Forest Resource Coordinating Committee (FRCC).</p>	<p>No comparable provision.</p>	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
		<p>No comparable provision.</p>	<p>priorities.</p> <p>Requires the FRCC to meet twice a year to discuss the national priorities and issues regarding non-industrial private forest land.</p>		
T8-6	<p><u>Changes to State Forest Stewardship Coordinating Committees</u></p> <p>Sec. 8005 of H.R. 2419</p>	<p>Sec.19(b)(1)(A) of the CFAA authorizes the Secretary to establish, in consultation with the State forester or equivalent State official of each State, a State Forest Stewardship Coordinating Committee (SFSCC).</p> <p>Sec.19(b)(1)(B) of the CFAA mandates that the SFSCC is to be chaired and administered by the State forester—or equivalent State official, or the designee thereof—and is to be composed of:</p> <ul style="list-style-type: none"> (i) representatives from the Forest Service, Soil Conservation Service, Agricultural Stabilization and Conservation service; (ii) representatives, to be appointed by the State forester or equivalent State official, of: <ul style="list-style-type: none"> (I) local government; (II) consulting foresters; (III) environmental organizations; (IV) the forestry products industry; (V) forest land owners; 	<p>SEC.8005.</p> <p>No changes made to this provision.</p> <p>Amends Section 19(b)(1)(B)(ii) of the CFAA by specifying that a representative from a State Technical Committee is to be on the State Forest Stewardship Coordinating Committee (SFSCC).</p>	<p>No comparable provision.</p>	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
		<p>(VI) land-trust organizations, if applicable in the State; conservation organization; (VII) the State fish and wildlife agency; and (iii) any other individuals determined appropriate by the Secretary. Sec.19(b)(1)(C) of the CFAA mandates that members of the SFSCC are to be appointed for a three-year term, with the initial member serving staggered terms as determined by the State forester or equivalent State official, and may be appointed for consecutive terms.</p> <p>Sec.19(b)(1)(C) mandates that members to the SFSCC, appointed under subparagraph 19(b)(1)(B)(ii), serve 3-year terms.</p> <p>Sec.19(b)(1)(D) of the CFAA mandates that existing State forestry committees can be used to complement, formulate or replace the State Coordinating Committees to avoid duplication of efforts: (A) so long as they have a similar membership of the SFSCC: (1) local government; (2) consulting foresters; (3) environmental organizations; (4) the forestry products industry; (5) forest land owners; (6) land-trust organizations, if applicable in the State; (7) conservation organizations; (8) the State fish and wildlife agency; and (9) any other individuals determined appropriate by the Secretary; (B) and their membership includes landowners and the general public.</p> <p>Sec.19(b)(2)(A) of the CFAA SFSCCs are to: (A) consult with USDA and State committees that address State and private forestry issues; (B) make recommendations to the Secretary</p>	<p>No changes made to this provision.</p> <p>No changes made to this provision.</p>		

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
		<p>concerning the assignment of priorities and the coordination of responsibilities for the implementation of the CFAA by the various Federal and State forest management agencies, taking into account the mandates of each agency;</p> <p>(C) make recommendations to the State forester or equivalent State official concerning the development of a Forest Stewardship Plan; and</p> <p>(D) make recommendations to the Secretary concerning those forest lands that should be given priority for inclusion in the Forest Legacy Program.</p> <p>Sec.19(b)(3) of the CFAA mandates that the State forester—or equivalent State official—in consultation with the SFSCC, is to develop a Forest Stewardship Plan that:</p> <p>(A) provides baseline data on the forest resources of the State; outlines threats to the forest resources of the State;</p> <p>(B) describes economic and environmental opportunities that are linked with the forest resources of the State;</p> <p>(C) addresses management problems, opportunities, and objectives associated with intermingled Federal, State and private land ownership patterns within the State; and</p> <p>(D) makes planning recommendations for Federal, State, and local implementation of the CFAA.</p> <p>Sec.19(b)(4) of the CFAA allows a SFSCC to use other plans, in lieu of establishing a Forest Stewardship Plan for the State, if the plan fully conforms to the objectives in this section.</p> <p>Sec.19(b)(5) of the CFAA prohibits State Coordinating Committees from terminating.</p>	<p>Amends Sec.19(b)(2)(C) of the CFAA by mandating that the SFSCC is to make recommendations for the State-wide assessments and strategies.</p> <p>This provision is stricken.</p> <p>This provision is stricken.</p> <p>No changes to this provision.</p>		

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
		Sec.19(b)(6) of the CFAA mandates that nothing in this section of the CFAA is to be construed to compel action by any State official.	No changes to this provision.		
T8-7	<p><u>Forest Legacy Applications</u></p> <p>Sec. 8003 of the Senate Amendment</p>	Section 19(b)(2)(D) of the Cooperative Forestry Assistance Act of 1978 provides that a State Coordinating Committee shall make recommendations to the Secretary concerning those forest lands that should be given priority for inclusion in the Forest Legacy Program established pursuant to Section 7 of this Act.	Maintains current law.	Sec.8003. Amends section 19(b)(2)(D) of the Cooperative Forestry Assistance Act of 1978 by stating applications submitted by Indian tribes do not have to pass through the State Coordinating Committee.	
T8-8	<p><u>Competition in Programs Under Cooperative Forestry Assistance Act of 1978</u></p> <p>Sec. 8006 of H.R. 2419</p>	No comparable provision.	<p>SEC.8006. Authorizes the Secretary to competitively allocate a portion of CFAA funds to State foresters or equivalent State officials. The Secretary is required to consult with the FRCC when determining the allocation of funds.</p> <p>The Secretary is also required to give priority for funding to States in which the strategies listed in the State-wide assessments best promote the three national priorities.</p>	No comparable provision.	
T8-9	<p><u>Cooperative Forest Innovation Partnership Projects</u></p> <p>Sec. 8007 of H.R. 2419</p>	No comparable provision.	<p>SEC.8007. The Secretary is authorized to competitively allocate not more than 5 percent of CFAA funds to support innovative national, regional, or local education, outreach, or technology projects that the Secretary determines would increase the ability of the Department of Agriculture to address the national priorities outlined in section 8001.</p> <p>State or local governments, Indian tribes, land-grant colleges or universities, or private entities, are authorized to compete for the funds.</p>	No comparable provision.	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
			The Secretary is prohibited from covering more than 50 percent of the total cost of a project. The Secretary is required, in calculating the total cost of a project and the contributions made with regard to the project, to include in-kind contributions.		
T8-10	<p><u>Healthy Forest Reserve Program</u></p> <p>Sec. 8101 of H.R. 2419</p>	<p>Sec.508 of the Healthy Forests Restoration Act authorizes an appropriation of \$25 million for fiscal year 2004, and an appropriation of such sums as necessary for each of the fiscal years 2005 through 2008.</p> <p>The purpose of the program is to: promote the recovery of threatened and endangered species; improve biodiversity; and enhance carbon sequestration</p> <p>Section 502(f) provides that land may be enrolled in the Healthy Forest Reserve program with 10 year cost share agreements, 30 year easements or an easement of not more than 99 years.</p>	<p>SEC.8101.</p> <p>Amends section 508(2) of the Healthy Forests Restoration Act by extending the Healthy Forests Reserve Program to 2012, and providing \$10 million in mandatory funding for each of the fiscal years 2008 through 2012.</p> <p>.</p>	<p>SEC. 2331 (Senate Conservation Title)</p> <p>Title II of this bill moves the Healthy Forest Reserve Program into the Food and Security Act of 1985. Sec. 1237T authorizes such sums as necessary for fiscal years 2008 through 2012 to carry out this program.</p> <p>Sec. 1237(N)(e) eliminates the 99 year easement option and replaces it with a permanent easement option. .</p> <p>Sec. 1237(N)(e)(3) encourages Indian tribes to participate by allowing enrollment in 30-year contracts.</p>	
T8-11	<p><u>Emergency Forest Restoration Program</u></p> <p>Sec. 8102 of H.R. 2419</p>	<p>Sec.401 of the Agricultural Credit Act of 1978 (ACA) authorizes the Secretary to carry out emergency measures to control wind erosion on farmlands or to rehabilitate farmlands damaged by wind erosion, floods, hurricanes, and other natural disasters when, as a result of the disaster, result in conservation problems that if not treated will:</p> <p>(1) impair or endanger the land;</p> <p>(2) materially affect the productive capacity of the land;</p> <p>(3) represent damage that is unusual in character;</p> <p>(4) and will be so costly to rehabilitate that the Federal assistance is, or will be required to, return the land to productive agricultural use.</p>	<p>SEC.8102.</p> <p>No changes made to this provision.</p>	<p>Section 2398 (Senate Conservation Title)</p> <p>Establishes a new emergency landscape restoration program to rehabilitate cropland, grasslands, and private nonindustrial forest lands adversely affected by natural catastrophic events such as fire, drought, flood, excessive wind, ice, or other natural events.</p> <p>Entities eligible for assistance are community-based associations and city, county or regional governments, including watershed councils and conservation districts.</p> <p>Individuals eligible for assistance include producers, ranchers, operators, private</p>	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
		<p>Sec.402 of the ACA authorizes the Secretary to make payments to agricultural producers who carry out emergency water conservation or water enhancing measures during periods of severe drought.</p> <p>Sec.403. of the ACA authorizes the Secretary to undertake emergency measures, including the purchase of floodplain easements, for runoff retardation and soil-erosion prevention, in cooperation with landowners and land users to safeguards lives and property from natural disasters on any watershed when the natural disaster has caused a sudden impairment of the watershed.</p> <p>No comparable provision.</p> <p>No comparable provision.</p>	<p>No changes made to this provision.</p> <p>No changes made to this provision.</p> <p>Amends Title VI of the Agricultural Credit Act (ACA) by authorizing the Secretary provide financial and technical assistance to owners of non-industrial private forest lands who have suffered a loss due to a number of events, including wildfires, hurricanes, drought, and windstorms, to assist with the development and implementation of plans that:</p> <p>(1) provide for the restoration and the rehabilitation of the non-industrial private forest land; restores the land and its related natural resources;</p> <p>(2) uses best management practices on the forest land; and</p> <p>(3) incorporates good stewardship and conservation practices on the land.</p> <p>Provides for a cost share of up to 75 percent, and limits the amount that an owner of non-industrial forest lands may receive to \$50,000 per year.</p>	<p>nonindustrial forest landowners, and landlords on working agricultural land.</p> <p>Provides source of financial assistance for restoring and protecting natural resources and preventing further impairment of land and water.,</p> <p>Allows the Secretary to purchase floodplain easements.</p> <p>Prioritizes applications that protect human health and safety.</p> <p>Provides technical assistance and cost-share payments up to 75% of the cost of remedial activities to rehabilitate watersheds.</p> <p>Remedial activities include debris removal, stream bank stabilization, establishment of cover, restoration of fences, construction of conservation structures, providing livestock water in drought situations, restoring nonindustrial private forestland.</p> <p>Authorizes discretionary funding.</p> <p>Provides for the temporary administration of current emergency programs until final regulations are formulated.</p>	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
		<p>No comparable provision.</p> <p>No comparable provision.</p> <p>No comparable provision.</p> <p>Sec.404 of the ACA authorizes an appropriation of such sums as necessary.</p> <p>Sec.405 of the ACA authorizes the Secretary to prescribe regulations to carry out the title.</p> <p>Sec.406 of the ACA mandates that the provisions are to become effective Oct. 1, 1978.</p>	<p>Non industrial private landowners are eligible under this section if the Secretary determines that their lands are under an eminent threat of loss or damage by insect or disease and immediate action would help them avoid loss or damage.</p> <p>Non-industrial private forest land is defined to mean, rural lands, as determined by the Secretary that: (1) have existing tree cover or had tree cover within the preceding 10 years; and (2) are owned by any non-industrial private individual, group, association, corporation, Indian tribe, or other private legal entity so long as the individual, group, association, corporation, tribe or entity has definitive decision-making authority over the lands.</p> <p>The Secretary of Agriculture is required to issue regulations to carry out the section.</p> <p>No changes made to this provision.</p> <p>No changes made to this provision.</p> <p>No changes made to this provision.</p>		
T8-12	<p><u>Office of International Forestry</u></p> <p>Sec. 8103 of H.R. 2419, Sec. 8203 of the Senate Amendment</p>	<p>Sec.2405(a) of the Global Climate Change Prevention Act (GCCPA) authorizes the Chief of the Forest Service to establish an Office of International Forestry within the Forest Service.</p> <p>Sec.2405(b) of the GCCPA authorizes the Chief of the Forest Service to appoint a Deputy Chief of International Forestry.</p>	<p>SEC.8103.</p> <p>Same as current law.</p>	<p>Sec.8203</p> <p>SAME AS HOUSE BILL</p>	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
		<p>Sec.2405(c) of the GCCPA mandates that the Deputy Chief of International Forestry is to be responsible for:</p> <p>(1) the international forestry activities of the Forest Service;</p> <p>(2) coordinating the activities of the Forest Service in implementing the provisions of the GCCPA; and</p> <p>(3) serving as the Forest Service liaison to the director for the Global Climate Change Program.</p> <p>Sec.2405(d) of the Global Climate Change Prevention Act authorizes an appropriation of such sums as necessary for the Office of International Forest for each of the fiscal years 1996 through 2007.</p>	<p>Authorization of appropriations is extended to 2012.</p>		
T8-13	<p><u>Rural Revitalization Technologies</u></p> <p>Sec. 8104 of H.R. 2419</p>	<p>Sec.2371(d) of the Food, Agriculture, Conservation, and Trade Act (FACT Act) authorizes the Secretary, acting through the Chief of the Forest Service, in consultation with the state and private Forestry Technology Marketing Unit at the Forest Products Laboratory, and in collaboration with eligible institutions, to carry out a program that provides funds to address the use of biomass and small diameter materials.</p> <p>Sec.2371(d)(2) of the FACT Act authorizes an appropriation of \$5 million for rural revitalization technologies for each of the fiscal years 2004 through 2008.</p>	<p>SEC.8104. Same as current law.</p> <p>The amount of the authorization is the same; extends the authorization for each of fiscal years 2008 through 2012.</p>	<p>No comparable provision.</p>	
T8-14	<p><u>Renewable Resources Extension Act</u></p> <p>Sec. 8201 of the Senate Amendment</p>	<p>Sec. 6 of the Renewable Resources Extension Act of 1978 (RREA) authorizes an appropriation of \$30,000,000 through Fiscal year 2007 to carry out this Act.</p> <p>Section 8 of the RREA makes provisions of this Act effective through September 30,</p>	<p>Sec. 7507 (House Research Title)</p> <p>Extends authorization through fiscal year 2012.</p> <p>Makes provisions of the RREA effective through September 30, 2012.</p>	<p>Sec.8201. Same as House Bill</p>	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
		2007.			
T8-15	<p align="center"><u>Definitions</u></p> <p align="center">Sec. 8101 of the Senate Amendment</p>	No comparable provision.	No comparable provision.	<p>Sec.8101. Provides definitions for “Indian”, “Indian Tribe” and “National Forestry System” that will be used under Subtitle B of this bill – Tribal-Forest Service Cooperative Relations.</p>	
T8-16	<p align="center"><u>Indian Tribes Participation in the Forest Legacy Program</u></p> <p align="center">Sec. 8111 of the Senate Amendment</p>	<p>Sec. 7(a) of the Cooperative Forestry Assistance Act of 1978 [16 U.S.C. 2103c] establishes the Forest Legacy program in cooperation with appropriate State, regional, and other units of government.</p> <p>Sec. 7(l) authorizes the Secretary to provide a grant to the State to carry out the Forest Legacy Program.</p>	No comparable provision.	<p>Sec.8111. Amends section 7(a) of the Cooperative Forestry Assistance Act of 1978 [16 U.S.C. 2103c] by including Indian tribes as a direct participant in the Forest Legacy Program.</p> <p>Subsection (b) amends section 7(l) of the Cooperative Forestry Assistance Act of 1978 [16 U.S.C. 2103c(1)] to allow Indian tribes to receive a grant from the Secretary to carry out the Forest Legacy Program. Provides that the Secretary shall not provide a grant for any project on land held in trust by the United State and that no land acquired using a grant under this subsection shall be converted to land held in trust by the United States on behalf of any Indian tribe.</p>	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
T8-17	<p data-bbox="263 147 459 215"><u>Indian Tribes Assistance</u></p> <p data-bbox="223 256 499 321">Sec.8112 of the Senate Amendment</p>	<p data-bbox="526 147 854 175">No comparable provision.</p>	<p data-bbox="1102 147 1430 175">No comparable provision.</p>	<p data-bbox="1677 147 1803 175">Sec. 8112.</p> <p data-bbox="1677 180 2225 743">Creates a stand alone provision that authorizes the Secretary to provide financial, technical, educational and related assistance to Indian tribes for consultation and coordination with the Forest Service on issues relating to access to Forest Service land by members of a tribe for traditional, religious and cultural purposes; coordinated or cooperative management of resources shared by the tribe and the Forest Service; the provision of tribal traditional or cultural knowledge or expertise; projects and activities for conservation education and awareness with respect to forestland and grassland that is eligible Indian land; and technical assistance for forest resources planning, management, and conservation on eligible Indian land.</p> <p data-bbox="1677 784 2225 979">Subsection (c) establishes that Indian tribes can only participate in one approved activity that receives assistance under this section or the Forest Stewardship Program under section 5 of the Cooperative Forestry Assistance Act of 1978.</p> <p data-bbox="1677 1019 2225 1182">Subsection (d) requires the Secretary to promulgate regulations relating to assistance under this section within 180 days of enactment, including rules for determining the distribution of assistance.</p> <p data-bbox="1677 1222 2225 1417">Subsection (e) requires the Secretary to coordinate with the Secretary of the Interior to ensure that activities under this section do not conflict with Indian tribal programs at the Department of the Interior and achieve the goals established by affected Indian tribes.</p>	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
T8-18	<p><u>Forest Service Cultural Authorities</u></p> <p>Sec.8121 of the Senate Amendment</p>	No comparable provision.	No comparable provision.	<p>Sec.8121. Authorizes the reburial of human remains and cultural items, including items repatriated under the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.), on National Forest System land; prevents the unauthorized disclosure of information regarding burial sites; authorizes that the Secretary may allow access to National Forest System land by Indians and Indian tribes for traditional and cultural purposes; authorizes the Secretary to protect the confidentiality of certain information that is culturally sensitive to Indian tribes.</p>	
T8-19	<p><u>Purposes for Cultural Authorities</u></p> <p>Sec. 8122of the Senate Amendment</p>	No comparable provision.	No comparable provision.	<p>Sec.8122. Provides definitions for “adjacent site,” “cultural items,” “human remains,” “lineal descendant,” “reburial site,” and “traditional and cultural purpose.”</p>	
T8-20	<p><u>Authorization for reburial of human remains and cultural items on National Forest System Lands</u></p> <p>Sec. 8123 of the Senate Amendment</p>	No comparable provision.	No comparable provision.	<p>Sec.8123. Provides that the Secretary may allow the use of National Forest System land for reburial of human remains or cultural items in possession of the Indian tribe or lineal descendant that have been disinterred from National Forest System land or adjacent site.</p> <p>Allows the Secretary to recover or rebury human remains and cultural items described above on National Forest System land at Federal expense when done with the consent of the affected Indian tribe or lineal descendent.</p> <p>Allows the Secretary to authorize such uses on reburial sites or adjacent sites as the Secretary determines necessary for management of the National Forest System</p>	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
				land. However, requires the Secretary to avoid adverse impacts to cultural items and human remains to the maximum extent practicable.	
T8-21	<p><u>Temporary closer of National Forest System Land for traditional and cultural purposes</u></p> <p>Sec. 8124 of the Senate Amendment</p>	No comparable provision.	No comparable provision.	<p>Sec.8124. Requires the Secretary to ensure access to National Forest System land to the maximum extent practicable by Indian tribes for traditional and cultural purposes.</p> <p>Provides that the Secretary may temporarily close from public access specifically designated National Forest System land to protect the privacy of tribal activities for traditional and cultural purposes on the smallest practicable area for a minimal period of time.</p>	
T8-22	<p><u>Forest products for traditional and cultural purposes</u></p> <p>Sec. 8125 of the Senate Amendment</p>	No comparable provision.	No comparable provision.	<p>Sec.8125. Allows the Secretary to provide Indian tribes forest products from National Forest System land used for traditional and cultural purposes as long as those forest products are not used for commercial purposes.</p>	
T8-23	<p><u>Disclosure of information</u></p> <p>Sec. 8226 of the Senate Amendment</p>	No comparable provision.	No comparable provision.	<p>Sec.8126. Subsection (a)(1) provides that the Secretary shall not disclose information under the Freedom of Information Act [5 U.S.C. 552] relating to:</p> <ul style="list-style-type: none"> (A) human or cultural items reburied on National Forest System land or a site used for traditional and cultural purposes by an Indian tribe; and (B) resources, cultural items, uses or activities that have a traditional and cultural purpose and are provided to the Secretary by an Indian tribe under an express expectation of confidentiality in the context of forest 	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
				<p>and rangeland research activities carried out by the Forest Service.</p> <p>Further subsection (a)(2) provides that the Secretary shall not be required to disclose information concerning the identity, use or specific location of a site or resource used for traditional and cultural purposes by an Indian tribe or any cultural items not covered by section 8123 of this Act.</p> <p>Subsection (b)(1) allows the Secretary to disclose information about the location of human remains or cultural items if the Secretary consults with an affected Indian tribe or lineal descendant before disclosure and determines that disclosure is necessary to protect human remains or cultural items from harm, theft, or destruction and mitigates any adverse impacts that may result from disclosure.</p> <p>Further subsection (b)(2) allows the Secretary to release information described in subsection (a)(1)(B) or (a)(2) if the Secretary determines that disclosure of the information to the public would advance the purposes of this part and would not create an unreasonable risk of harm, theft or destruction of the resource, site or object and would be consistent with other applicable laws.</p>	
T8-24	Sec. 8127 of the Senate Amendment	No comparable provision.	No comparable provision.	<p>Sec.8127. Provides that if any provision in this part is not valid that will not affect the remainder of the part.</p> <p>Further provides for a savings clause covering trust responsibility, agreements between the Forest Service and an Indian tribe, rights of an Indian tribe, or rights relating to National</p>	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
				Forest System land or other public land	
T8-25	<u>Hispanic-Serving Institution Agricultural Land National Resources Leadership Program</u> Sec. 8201 of H.R. 2419	No comparable provision.	SEC. 8201. The Secretary is authorized to establish an undergraduate scholarship program to assist Hispanic-serving institutions in the retention, recruitment, and training of Hispanics and other under-represented groups in forestry and related fields. An appropriation of such sums as necessary is authorized for fiscal years 2008 through 2012 to carry out the program.	No comparable provision.	
T8-26	<u>Green Mountain boundary adjustment</u> Sec. 8203 of the Senate Amendment	No comparable provision.	No comparable provision.	SEC. 8203. Authorizes modification of the boundary of the Green Mountain National Forest to include 12 designated expansion units depicted on forest maps Green Mountain Expansion Area Map I and Green Mountain Expansion Area Map II on file with the Chief of the Forest Service.	
T8-27	<u>Illegal logging</u> Sec. 8204 of the Senate Amendment	Section 2 of the Lacey Act Amendment of 1981 [16 U.S.C. 3372] provides definitions to be used throughout the Act. Subsection (f) defines the term “plant” to mean: any wild member of the plant kingdom, including roots, seeds, and other parts thereof (but excluding common food crops and cultivars) which is indigenous to any State and which is either (A) listed on an appendix to the Convention on International Trade in Endangered Species of Wild Fauna and Flora, or (B) listed pursuant to any State law that provides for the conservation of species threatened with extinction. Subsection (j) defines the term taken to mean captured, killed, or collected.	No comparable provision.	SEC. 8204. Amends section 2(f) of the Lacey Act Amendment of 1981 to change the definition of “plant.” Section 2(j) is amended to define the terms taken and taking.	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
		<p>Section 3 of the Lacey Act Amendment of 1981 makes it illegal to:</p> <p>(1) import, export, transport, sell, receive, acquire, or purchase any fish or wildlife or plant taken, possessed, transported, or sold in violation of any law, treaty, or regulation of the United States or in violation of any Indian tribal law;</p> <p>(2) import, export, transport, sell, receive, acquire, or purchase in interstate or foreign commerce—</p> <p style="padding-left: 40px;">(A) any fish or wildlife taken, possessed, transported, or sold in violation of any law or regulation of any State or in violation of any foreign law;</p> <p style="padding-left: 40px;">(B) any plant taken, possessed, transported, or sold in violation of any law or regulation of any State; or</p> <p style="padding-left: 40px;">(C) any prohibited wildlife species</p>		<p>Section 3(a)(2)(B) is amended to makes it illegal for any plant to be taken, possessed, transported or sold in violation of any foreign law that regulates the theft of plants; the taking of plants from a park or forest reserve, or other officially protected area; the taking of plants from an officially designated area or without, or contrary to, required authorization.</p> <p>Further provides that it is illegal if a plant is taken, possessed, transported or sold without the payment of royalties, taxes, or stumpage fees or in violation of any limitation under any law or in violation of any limitation under any State or under any foreign law.</p> <p>Section 3(a)(3) is amended to make it illegal within the special maritime and territorial jurisdiction of the United States for any plant to be taken, possessed, transported or sold in violation of any foreign law that regulates the theft of plants; the taking of plants from a park or forest reserve, or other officially protected area; the taking of plants from an officially designated area or without, or contrary to, required authorization.</p> <p>Further provides that it is illegal if a plant is taken, possessed, transported or sold without the payment of royalties, taxes, or stumpage fees or in violation of any limitation under any law or in violation of any limitation under any State or under any foreign law.</p> <p>A new subsection (f) is created to require a plant declaration to be filed upon importation of a plant. The plant declaration must include the scientific name of any plant, a description of the value, quantity (including the unit of measure) of the plant, and the name of the</p>	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
		<p>Section 4 of the Lacey Act Amendment of 1981 assesses civil and criminal penalties for violations of the Lacey Act.</p> <p>Section 5 of the Lacey Act Amendment of 1981 requires forfeiture of all fish or wildlife or plants imported, exported, transported, sold, received, acquired, or purchased contrary to the provisions of section 3 of this Act (other than subsection 3(b)), or any regulation issued pursuant thereto, notwithstanding any culpability requirements for civil penalty assessment or criminal prosecution included in section 4 of this Act.</p> <p>Also, all vessels, vehicles, aircraft, and other equipment used to aid in the importing, exporting, transporting, selling, receiving, acquiring, or purchasing of fish or wildlife or plants in a criminal violation of this Act for which a felony conviction is obtained shall be subject to forfeiture to the United States if (A) the owner of such vessel, vehicle, aircraft, or equipment was at the time of the alleged illegal act a consenting party or privy thereto or in the exercise of due care should have known that such vessel, vehicle, aircraft, or equipment would be used in a criminal violation of this Act, and (B) the violation involved the sale or purchase of, the offer of sale or purchase of, or the intent to sell or purchase, fish or wildlife or plants.</p>		<p>country from where the plant was taken. An exclusion is made for plants used exclusively as packing material unless the packing materials are the items being brought in.</p> <p>The Secretary is required to review the plant declaration and exclusion for wood and paper packing and is authorized to limit the scope of the exclusion if the Secretary determines that the limitations in scope are warranted.</p> <p>Section 4 is amended with conforming technical changes to the penalties and sanctions section.</p> <p>The forfeiture provisions in Section 5 are amended by adding a new subsection (d) which states that civil forfeitures under this section shall be governed by chapter 46 of title 18, United States Code.</p>	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
T8-28	<p><u>Green Mountain land exchange/sale</u></p> <p>Sec. 8205 of the Senate Amendment</p>	No comparable provision.	No comparable provision.	<p>SEC. 8205. Authorizes the Secretary to sell or exchange a few specific parcels in the Green Mountain National Forest designated on the map entitled "Proposed Bromley Land Sale or Exchange dated April 7, 2004. This would allow the Appalachian Trail to relocate a small portion of the trail.</p>	
T8-29	<p><u>Timber contracts</u></p> <p>Sec. 8301 of the Senate Amendment</p>	No comparable provision.	No comparable provision.	<p>SEC. 8301. Subsection (b)(1) allows the Secretary to cancel or re-determine qualifying timber contracts if the if the rate at which a qualifying contract would be advertised on the date of enactment of this language is at least 50 percent less than the original purchased rate of the contract.</p> <p>Subsection (b)(2) allows the Secretary the authority to substitute the Producer Price Index for other authorized producer price indexes for a qualifying contract.</p> <p>Subsection (c) allows the Secretary to extend re-determined contracts by one year.</p> <p>Subsection (d) states this provision shall have the effect of surrendering any claim by the United States against any timber purchaser that arose under a qualifying timber contract before the date of enactment of this provision.</p>	